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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record of the 187th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 8 April 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

Contents

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of the Dominican Republic (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of the Dominican Republic (continued) (CRPD/C/DOM/1; CRPD/C/DOM/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Dominican Republic took places at the Committee table.*

Articles 11–20

2. **Mr. Corporán Lorenzo** (Dominican Republic) said that he would answer questions asked at the previous meeting about the implementation of articles 11 to 20 of the Convention and also provide other information. He emphasized that the State recognized the right of persons with disabilities to the equal protection and equal benefit of the law. Article 39 of the Constitution expressly provided that all persons were born free and equal before the law and should receive equal protection and treatment from institutions, authorities and other persons and enjoy equal rights, freedoms and opportunities, without discrimination for reasons of gender, colour, age, disability, national origin, family ties, language, religion, political or philosophical opinions, or social or personal conditions. A legal definition of discrimination on the basis of disability had been established, but no data were available regarding the number of cases of such discrimination brought before the courts.

3. The Government had taken a number of steps to promote the rights of persons with disabilities and to encourage greater social awareness with regard to them. It had also made concerted efforts to mainstream disability within national policies and strengthen cooperation with organizations representing persons with disabilities.

4. The Government had drafted a comprehensive set of building regulations and national standards on universal accessibility to ensure that persons with disabilities could access the physical environment, including public buildings such as hospitals and schools, on an equal basis with others. It was also considering ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh Treaty).

5. The National Council on Disability (CONADIS) had included a number of specific provisions for persons with disabilities in the National Emergency Plan, namely the introduction of International Sign interpretation for all official public safety announcements and the provision of leaflets in easy-to-read formats describing what to do in an emergency. The Government had also worked in partnership with World Vision International to devise a strategy for the identification of persons with disabilities in vulnerable areas for priority evacuation.

6. The Government had repealed national legislation that restricted or contravened the principle of the legal capacity of persons with disabilities and was implementing the Brasilia Regulations Regarding Access to Justice for Vulnerable People. Awareness-raising workshops on ensuring effective legal protection for persons with disabilities had been held for members of the judiciary, and a national technical committee comprised of representatives of the judiciary, the Public Prosecution Service and CONADIS had prepared guidelines on facilitating the role of persons with disabilities as direct and indirect participants in legal proceedings. Free legal aid was provided for vulnerable victims and offenders, including persons with disabilities, who could not afford paid legal representation.

7. The "Coming Out of Hiding" (Saliendo del Escondite) programme provided for the establishment of a network of community-based services and support for persons with disabilities, particularly in rural and remote areas. A monitoring committee had been established to track the implementation of the programme and identify underserved areas that required additional funding or support. The programme was run in close partnership with civil society and local authorities.

8. Steps had been taken to uphold the right of persons with disabilities to found a family and to prevent their forced sterilization. The Government also actively recognized and upheld the right of persons with disabilities to take part on an equal basis with others in cultural life, recreation, leisure and sports and had established a series of poverty reduction programmes that guaranteed the right of such persons to an adequate standard of living and social protection.

9. No data were available on the active involvement of persons with disabilities and their organizations in the preparation and development of national poverty reduction strategies, on the number of persons with disabilities having access to health services, on the literacy rate among persons with disabilities or on their rate of inclusion within the community. However, the Government intended to collect disaggregated data on those areas in preparation for the next periodic report.

10. Steps had been taken to increase the involvement and participation in the monitoring process of civil society, in particular persons with disabilities and their representative organizations, and specifically through the "Coming Out of Hiding" programme.

11. Under the Constitution all persons in the country, including refugees, enjoyed the right to freedom of movement. They were also entitled to the health and education services provided by the State.

12. Family placement was promoted to ensure that children enjoyed their right to live in a family environment and that periods of institutionalization were ever shorter and less frequent. A strategy was in place to help families maintain their ties with their children.

13. An immigration rule that had made it difficult for persons with disabilities to establish residency in the Dominican Republic had been repealed by the Organic Act on the equality of rights of persons with disabilities (Act No. 5-13).

14. An advisory board bringing together representatives of NGOs, international organizations, the Dominican Government and other stakeholders had recently been established with a view to helping public institutions design and implement public policy inclusive of persons with disabilities.

15. The Public Prosecution Service had set up a department to provide free legal aid to victims of criminal offences who were unable to afford a lawyer. One of the department's primary missions was to provide legal aid to women and children who were victims of domestic violence and sexual abuse. The department was cooperating with CONADIS to train the lawyers who provided free legal aid and raise their awareness of disability issues. Interview centres for vulnerable witnesses and victims had been created in response to the problems of child abuse and commercial sexual exploitation. Depositions were taken at those centres and could later be submitted as evidence in court. An approach inclusive of children with disabilities was being taken to draw up the current road map for the prevention of violence against children. The Ministry of Women had pledged to offer psychological and legal counselling, as well as training materials, to the members of the Women with Disabilities Circle who were affected by violence.

16. The Ministry of Health had created an advisory board on stem cell therapy that was drawing up standards for the use of such therapy for illnesses for which its effectiveness had been demonstrated in clinical trials. The National Commission on Bioethics, for its part,

monitored compliance with the regulations on the use of human subjects for biomedical research. The Commission was advised by domestic and international organizations. The Ministry of Health also promoted awareness of Act No. 12-06 on mental health, which required informed consent to be obtained for all medical procedures, including sterilization. All the country's courts ensured that the hospitals to which persons with disabilities were sometimes committed respected the articles of the Constitution prohibiting torture and degrading treatment. The social programmes run by CONADIS were accessible to all children with disabilities, including immigrants.

17. In reply to a question about measures taken by the State to remove persons with disabilities from guardianship arrangements, he said that CONADIS had proposed changes to the Civil Code to bring it into line with the Convention, the Constitution, Act No. 5-13 and the Committee's general comment No. 1 (2014) on equal recognition before the law. The term *persona peligrosa* (dangerous person) did not appear in Dominican legislation and could therefore not be used to justify the institutionalization of persons with disabilities. Persons with psychosocial disabilities involved in legal proceedings were afforded the necessary protections by the courts. As part of the country's new prison model, the Harás Nacionales detention centre for older prisoners, including those with disabilities, had been inaugurated in Santo Domingo Norte. For persons with visual disabilities, prison sentences of less than 2 years were automatically suspended.

18. Act No. 137-03 on trafficking in persons had been adopted with a view to preventing and penalizing the smuggling of migrants and trafficking in persons, especially women and children. A special prosecutor's office to combat trafficking in and smuggling of persons had been created, and a think tank, the Observation Centre for Migration and Development in the Caribbean (OBMICA), had been following the situation closely since 2010. OBMICA was instrumental in raising regional awareness of the problems posed by trafficking.

Articles 21–33

19. **Ms. Kingston** asked what measures the Government was taking to increase the number of sign language interpreters in the country, as there were apparently only 30, and the small percentage of educational centres equipped to admit persons with disabilities. She would welcome information on the measures adopted by the Government to ensure that women with disabilities, especially in rural areas, were not denied their sexual and reproductive rights; to help households offset the additional costs of dealing with disabilities; to encourage persons with disabilities to stand for election; and to make all polling places accessible to them. She urged the Dominican Republic to ratify the Marrakesh Treaty.

20. Since progress could not be measured without a basis for comparison, she asked what the State party was doing to improve data collection and whether persons with disabilities were involved in those efforts. In that connection, she wondered whether the surprisingly small percentage of survey respondents who reported a disability might be caused by improperly formulated survey questions. She requested information on the State party's efforts to ensure that international cooperation projects were inclusive of and accessible to persons with disabilities, and on how the measures to achieve the Millennium Development Goals had affected such persons' quality of life. Lastly, she asked what percentage of the State's overall budget was allocated to persons with disabilities.

21. **Mr. Tatić**, while commending the State party for its evident willingness to make schools fully accessible, noted that, according to survey data, only 31 of 51 newly built schools had ramps and that of the ramps to those 31 schools 10 were pitched so steeply that they were better suited to ski jumpers than to wheelchair users. Furthermore, in several cases, the sanitary facilities were too small for wheelchair users. He wondered what

shortcomings in the monitoring processes had prevented those schools from being fully accessible. In view of the country's considerable potential as a tourist destination, he would welcome additional information on the accessible features — for example, changing rooms and showers — of the 19 beaches deemed accessible to persons with disabilities.

22. **Ms. Degener** asked whether Dominican law stated that all children with disabilities were entitled to an inclusive education and that segregated education was discriminatory. She asked whether an independent mechanism to monitor the implementation of the Convention had been designated and, if so, how civil society would participate in the mechanism's activities.

23. **Mr. Buntan** said that he would appreciate further information on the State party's inclusive education system and what exactly it entailed. He asked whether CONADIS was an interministerial council and whether representative organizations of and for persons with disabilities were involved in its work. If so, were they involved in decision-making or was their role merely advisory?

24. **Mr. Kim** Hyung Shik said that he would like information about the outcomes of job-placement initiatives for persons with disabilities. Information about whether the labour they supplied was skilled or unskilled and about wages, employee turnover and job satisfaction would be particularly welcome. Since it seemed that inclusive education had not taken root in the Dominican Republic, he wondered whether the Government had done anything in that area other than improving the physical accessibility of educational facilities. Building ramps was necessary but not sufficient. A greater understanding of the human factors involved in bringing children with disabilities into mainstream schools was also essential. In addition, he wished to know what kind of rehabilitation services patients with disabilities treated in public hospitals received. Lastly, he asked for further details on the protections afforded persons with disabilities by the disability, old-age and survival insurance schemes mentioned in the State party's report.

25. **Ms. Peláez Narváez**, expressing concern about the large number of children with disabilities in institutional care, asked what measures were envisaged to ensure that such children could be raised in a family setting, how and when the measures would be implemented, and whether inclusive education for children with disabilities was a State priority. She wished to know whether restrictions were imposed on persons with disabilities who wished to adopt, and how the authorities ensured that children with disabilities given up for adoption did not face discrimination. Information about educational provision and policies for deaf-blind children would also be appreciated.

26. Noting that a 2014 study had identified incidents of ill-treatment of women with disabilities seeking to access sexual and reproductive health services, she asked what was being done to protect women in such situations. She requested information about efforts to promote equal employment opportunities for women with disabilities and overturn the widely held belief that persons with disabilities should work in certain sectors only. She asked whether the draft law on political participation would guarantee full participation for persons with disabilities and their organizations in all areas of public life. Lastly, she asked whether the statistical database that CONADIS was compiling would provide gender-disaggregated figures that could be analysed from a disability perspective and how the authorities ensured that international cooperation aid was properly utilized.

27. **Mr. Basharu** asked how, in view of the relatively small number of sign language interpreters in the country, the State party could be sure that persons with hearing impairments had sufficient access to information to participate actively in public life and keep abreast of new developments. He wondered if the State party might consider adopting legislation that would guarantee the right of persons with disabilities to participate in electoral processes and stand for election on an equal footing with others.

28. **Ms. Quan-Chang** asked what was being done to ensure that children with disabilities were not arbitrarily removed from their families and that parents with disabilities were able to retain custody of their offspring, especially given the potential risk of trafficking. Noting that the 1.7 per cent figure cited in the State party's replies to the list of issues (CRPD/C/DOM/Q/1/Add.1) for the number of persons with disabilities living in poverty appeared very low, given their limited access to employment and services, she asked the delegation to clarify the measurement methods used. She enquired whether methodological adjustments were envisaged that would allow the authorities to more accurately gauge the obstacles faced by persons with disabilities in terms of income generation and social protection.

29. **The Chairperson**, speaking in her personal capacity, asked what proportion of students with disabilities were being educated in inclusive environments, what proportion were in segregated institutions and what measures were in place to help students make the transition from segregated to inclusive education. More information about the health services available to persons with disabilities, particularly those living in remote, rural areas, would be appreciated, including information about HIV/AIDS prevention and access to relevant information and treatments. Were appropriate medicines available for such persons free of charge, or at least at affordable prices?

30. She said that she would like more details about the services and benefits provided to persons with disabilities under the State party's poverty elimination programmes. In particular, she wished to know whether food supplementation programmes took account of the special needs of children and adolescents with disabilities and how the authorities ensured an intersectional approach to the specific problems faced by indigenous persons and persons of African descent with disabilities. She asked the delegation to explain what the "effective legal protection" provided to persons with disabilities involved in judicial proceedings entailed.

The meeting was suspended at noon and resumed at 12.35 p.m.

31. **Mr. Corporán Lorenzo** (Dominican Republic), acknowledging the importance of statistics for planning, decision-making and public investment, said that the State party was unfortunately unable to provide comprehensive, up-to-date statistical data but was moving in the right direction. The latest figure available for literacy, drawn from the 2013 household survey, indicated that just over three quarters of all persons with disabilities over the age of 10 were literate. However, following an intensive campaign to improve teaching materials and train teachers, that percentage had certainly increased since the survey. Precise figures for the number of persons of disabilities who were affiliated with the national health insurance system were likewise unavailable, but information received from CONADIS attested to growing coverage, thanks mainly to the implementation of the National Development Strategy.

32. With regard to accessibility in education, the Government was aware of the need to modernize not only school infrastructures but also the system of inspection and oversight. To that end CONADIS had been working with the Ministry of Education to train architects and engineers to incorporate the necessary accessibility accommodations into school refurbishment and modernization plans and, more generally, to raise awareness of the criteria among public officials and other stakeholders. The related renovation and building work was nearing completion, and checks were under way to verify compliance with the relevant standards.

33. The right to an inclusive, non-discriminatory education was clearly established in national legislation, including in article 63 of the Constitution, which stipulated that all persons should have the right to a comprehensive, high-quality education on an equal basis with others, the only limitations being their aspirations, goals and aptitudes, and in article

11 of Act No. 5-13. The Ministry of Education was working to design an inclusive education programme that would encompass elements such as accessibility issues, teacher training, curricular modifications and support for deaf students.

34. Measures to promote equal opportunities established in Act No. 5-13 included quotas for the employment of persons with disabilities of 5 per cent in the public sector and 2 per cent in the private sector. Raising awareness of those provisions among employers was an ongoing task to which civil society made a significant contribution. The National Institute for Technical Occupational Training (INFOTEP) ran various integrated vocational training programmes, and government efforts to foster entrepreneurship also sought to include persons with disabilities.

35. The Dominican Republic was firmly committed to international cooperation and had done a great deal to mainstream disability issues in the aid agenda, particularly in connection with South-South cooperation. It was working to establish a network of disability umbrella bodies to promote joint regional campaigns in Latin America and the Caribbean. Ensuring that children with disabilities could remain with their families and that parents with disabilities could retain custody was one of the remits of the recently established Advisory Board on Children with Disabilities, which worked to promote inclusion in all areas. The authorities acknowledged that living with a disability increased vulnerability to poverty and were working with the national social security benefits registration system to improve data collection and analysis methodologies.

36. As a result of the efforts of the Ministry of Education to promote inclusive education, over 30,000 students with disabilities were currently enrolled in mainstream schools. The ultimate aim was to eliminate segregated education entirely. With regard to medical provision for persons with disabilities, specialist services were offered through state-run primary health-care centres, and essential medicines were available through community pharmacies. With regard to the provision of effective legal protection in judicial proceedings, trial judges were required to stay, on the grounds of unconstitutionality, any proceedings in which the rights and legal capacity of persons with disabilities were not being respected and to order measures to safeguard those rights.

37. Expressing his appreciation for the constructive dialogue with the Committee, he invited all Committee members and civil society representatives to attend a conference on accessible tourism that his Government would be hosting in Santo Domingo in July 2015. Scheduled as a precursor to the adoption of the post-2015 development agenda in September, the event would investigate ways to achieve a disability-inclusive culture across Latin America and the Caribbean and throughout the world.

38. **Ms. Quan-Chang** (Country Rapporteur), thanking the delegation for its participation in the constructive dialogue, said that the information provided by civil society organizations and others in preparation for the dialogue had also been very helpful to the Committee. The latter stood ready to provide the State party with technical assistance in implementing the Convention.

The meeting rose at 1 p.m.